

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 31ST AUGUST 2007 / 9TH BHADRA 1929

Crl.Rev.Pet.No. 3216 of 2007

CRA.61/2005 of ADDL.SESIONS JUDGE FAST TRACK COURT I,ALAPPUZHA
CC.438/2003 of JDUL.MAGISTRATE OF FIRST CLASS, RAMANKARI

REVN. PETITIONER: REVN. PETITIONER/APPELLANT/ACCUSED

THOMAS JOSEPH, S/O. THOMAS,
AGED 58 YEARS, KALAPURAYIL HOUSE, KAYALPURAM,
PULINCUNNU.

BY ADV. SRI.M.X.ANTONY LIJO

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE

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1. ALEX AUGUSTIN,
NADUVELIL, CHALUNKAL, PULINCUNNU.
 2. THE STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

R1 BY ADV. SRI.N.A.SHAFEEK

R2 BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 31/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

K.T. SANKARAN, J.

Crl.R.P.NO. 3216 OF 2007

Dated this the 31st day of August, 2007

ORDER

The petitioner, accused in C.C.No.438 of 2003 on the file of the Judicial Magistrate of the First Class, Ambalapuzha, was found guilty for the offence under Section 138 of the Negotiable Instruments Act and he was sentenced to undergo simple imprisonment for six months and was directed to pay a sum of Rs.17,000/- as compensation to the complainant under Section 357(3) of the Code of Criminal Procedure. On appeal by the accused, the Appellate Court confirmed the conviction and sentence and dismissed the appeal.

2. Crl.M.A. No.9338 of 2007, signed by the complainant and the accused and their counsel, filed under Section 147 of the Negotiable Instruments Act was allowed.

In the result, the Criminal Revision Petition is allowed, the conviction and sentence imposed on the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 9338 of 2007

in

Crl.R.P.No. 3216 of 2007

Dated this the 31st day of August, 2007

ORDER

This is an application under Section 147 of the Negotiable Instruments Act, seeking to compound the offence under Section 138 of the Act. The application is signed by the revision petitioner/accused and the first respondent/complainant. It is stated that the matter is settled between the parties. Hence the application is allowed.

(K.T.SANKARAN)
Judge

ahz/

K.T. SANKARAN, J.

Crl.M.A.NO. 9170 OF 2007

in

Crl.R.P.No. 3216 of 2007

Dated this the 31st day of August,2007

ORDER

This is an application for condonation of the delay of 350 days in filing the Criminal Revision Petition. The disputes between the petitioner/accused and the complainant have been settled and an application is filed under Section 147 of the Negotiable Instruments Act. In these circumstances, the delay is condoned. Number the application as well as the Revision.

(K.T.SANKARAN)
Judge

ahz/